



# The National Law Journal: Gerald Kraai and Justin Poplin on Royalties for Infringement Before a Patent Issues

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According to the U.S. Patent and Trademark Office Performance and Accountability Report Fiscal Year 2010, the overall average pendency for utility patent applications has lengthened every year for the past five fiscal years and now stands at 35.3 months. The average pendency for applications relating to computer architecture, software, information security, networks, multiplexing, cable, security and communications is 42.5 months or more. This is a terrifying prospect for inventors, who often are forced to endure these long, pending application periods while their inventions are copied by others.